

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY
LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

THIS DOCUMENT RELATES TO:

Gregory Bingham

**MOTION FOR EXCLUSION FROM SETTLEMENT CLASS BY
GREGORY BINGHAM AND REQUEST FOR LEAVE TO FILE
SHORT FORM COMPLAINT**

Now comes Gregory Bingham, by and through his counsel, and as his Motion for Exclusion from Settlement Class and For Leave to File Short Form Complaint, hereby states the following:

1. Prior to the opt out deadline, Mr. Bingham, Notice ID No. 100001190, timely submitted his request to opt out of the settlement in this case. Mr. Bingham's request to opt out of the case included his address, date of birth, government ID, personal signature, and date of signature. However, Mr. Bingham's request did not include a phone number, though it timely included all other information.

2. After further evaluation, Mr. Bingham wishes to be excluded from the Settlement Class in this matter.

3. The omission of a telephone number by Mr. Bingham in his timely Request for Exclusion is not a sufficient reason to include him in the Settlement Class to maintain Mr. Bingham's inclusion in the class, against his express intention to be excluded from the Settlement Class, particularly given the fact that the NFL Parties and affiliate entities possessed

his telephone number prior to his Request for Exclusion and their proven ability to reach him without it.

4. Indeed, Mr. Bingham's Request for Exclusion included his address, which the Settlement Administrator to contact him, making his telephone number redundant for purposes of communicating with Mr. Bingham in this matter.

5. Additionally, Mr. Bingham was employed 12 years by the Houston Oilers (now Tennessee Titans) as an NFL player, and has received telephone calls from the team at his present number, evidencing the ability of the Settlement Administrator and NFL Defendant to easily reach him by telephone through that NFL member team.

6. And Mr. Bingham receives a monthly retirement benefit from the NFL Parties and previously has furnished them his telephone number information related to that benefit.

7. The NFL Parties have declined the request by counsel for Mr. Bingham to consent to a motion for exclusion from the Settlement Class.

8. Furthermore, Mr. Bingham also seeks leave to file a short form complaints as directed by this Court's Case Management Order filed April 12, 2017, Mr. Bingham contemporaneously seeks to submit a short form complaint against the NFL Defendants, a copy of which has been attached as Exhibit A.

9. The NFL Parties have declined the request by counsel for Mr. Bingham to consent to a motion for exclusion from the Settlement Class.

WHEREFORE, for the reasons provided above, and for good cause shown, Mr. Bingham respectfully requests that the Court grant his request to be excluded from the Settlement Class in this case and permit him leave to file the [Proposed] Opt Out Plaintiff Short Form Complaint Against NFL Defendants.

Dated: July 14, 2017

Respectfully submitted,

By: /s/ Robert A. Stein
ROBERT A. STEIN
2313 Cedar Shore Drive
Minneapolis, MN 55416
Tel: (612) 886-3582
Email: rastein66@aol.com

By: /s/ Daniel J. Kurowski
Daniel J. Kurowski
HAGENS BERMAN SOBOL SHAPIRO LLP
455 N. Cityfront Plaza Drive, Suite 2410
Chicago, IL 60611
Phone: (708) 628-4963
Fax: (708) 628-4963
Email: dank@hbsslaw.com

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Tel: (206) 623-7292
Fax: (206) 623-0594
Email: steve@hbsslaw.com

Attorneys for Plaintiff